

109TH CONGRESS
2D SESSION

H. R. 5094

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2006

Received

AN ACT

To require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lake Mattamuskeet
5 Lodge Preservation Act”.

6 **SEC. 2. CONVEYANCE OF MATTAMUSKEET LODGE,**
7 **MATTAMUSKEET NATIONAL WILDLIFE REF-**
8 **UGE, NORTH CAROLINA.**

9 (a) CONVEYANCE REQUIRED.—Within six months
10 after the date of the enactment of this Act, the Secretary
11 of the Interior, acting through the Director of the United
12 States Fish and Wildlife Service, shall convey to the State
13 of North Carolina, without consideration, all right, title,
14 and interest of the United States, except for certain utility
15 and road easements, in and to a parcel of real property
16 consisting of approximately 6.25 acres and containing
17 Mattamuskeet Lodge and surrounding property, including
18 the Mattamuskeet National Wildlife Refuge headquarters,
19 as depicted on the map entitled “Lake Mattamuskeet
20 Lodge/Pump Station” and dated January 10, 2006, for
21 the purpose of permitting the State to use the property
22 as a public facility dedicated to the conservation of the
23 natural and cultural resources of North Carolina.

24 (b) RESTORATION AND MAINTENANCE OF LODGE.—
25 The Mattamuskeet Lodge is listed on the National Reg-

1 ister of Historic Places, and, as a condition of the convey-
2 ance of the lodge under subsection (a), the State shall
3 agree to restore and maintain the lodge in accordance
4 with—

5 (1) the Standard for the Treatment of Historic
6 Properties with Guidelines for Preserving, Rehabili-
7 tating, Restoring, and Reconstructing Historic
8 Buildings, as prescribed pursuant to section 106 of
9 the National Historic Preservation Act (16 U.S.C.
10 470f), Part 800 of title 36, Code of Federal Regula-
11 tions; and

12 (2) the General Statutes of North Carolina,
13 Chapter 121, Article 1.

14 (c) AS IS CONVEYANCE.—The conveyance under sub-
15 section (a) shall be subject to the condition that the State
16 accept the real property described in such subsection in
17 its condition at the time of the conveyance, commonly
18 known as conveyance “as is”.

19 (d) ADMINISTRATIVE EXPENSES.—The State shall
20 cover the costs of any survey and the cost of recordation
21 of deeds in connection with the conveyance under this sec-
22 tion. Except as provided in subsection (e), all other costs
23 associated with the conveyance shall be paid by the Sec-
24 retary.

1 (e) LIABILITY.—Notwithstanding any other provision
2 of law, the Secretary shall not retain liability for any envi-
3 ronmental remediation that may be required with regard
4 to the real property conveyed under this section under any
5 applicable environmental authorities for—

6 (1) costs or performance of response actions re-
7 quired under the Comprehensive Environmental Re-
8 sponse, Compensation, and Liability Act of 1980 (42
9 U.S.C. 9601, et seq.) at or related to the property;
10 or

11 (2) costs, penalties, fines, or performance of ac-
12 tions related to noncompliance with applicable envi-
13 ronmental authorities at or related to the property
14 or related to the presence, release, or threat of re-
15 lease of any hazardous substance, pollutant, or con-
16 taminant, hazardous waste, hazardous material, or
17 petroleum product or derivative of a petroleum prod-
18 uct of any kind at or related to the property, includ-
19 ing contamination resulting from migration.

20 (f) REVERSIONARY INTEREST.—If the Secretary de-
21 termines at any time that the real property conveyed
22 under this section is not being used in accordance with
23 the purpose of the conveyance specified in subsection (a)
24 or the State is not complying with the condition of the
25 conveyance under subsection (b), all right, title, and inter-

1 est in and to the property shall revert, at the option of
2 the Secretary, to the United States, and the United States
3 shall have the right of immediate entry onto the property.
4 Any determination of the Secretary under this subsection
5 shall be made on the record after an opportunity for a
6 hearing.

7 (g) MEMORANDUM OF AGREEMENT.—The Secretary
8 shall cooperate with the State to develop a memorandum
9 of agreement encompassing mutually beneficial opportuni-
10 ties to use the property to be conveyed under this section
11 to provide visitor services, to construct and utilize facilities
12 and utilities, and to implement wildlife conservation
13 projects.

Passed the House of Representatives September 12,
2006.

Attest:

KAREN L. HAAS,
Clerk.